



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session

Summary record of the 2650th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 8 August 2018, at 3 p.m.

Chair: Mr. Amir

Contents

Consideration of reports, comments and information submitted by States parties under
article 9 of the Convention (*continued*)

Combined sixth to twelfth periodic reports of Latvia

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Combined sixth to twelfth periodic reports of Latvia (CERD/C/LVA/6-12; CERD/C/LVA/Q/6-12)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Mr. Pildegovičs** (Latvia), introducing the combined sixth to twelfth periodic reports of Latvia (CERD/C/LVA/6-12), said that the Latvian Constitution embodied key principles of international human rights law, in particular, the rule of law; equality before the law and the protection of human rights without discrimination of any kind; and the binding nature of international agreements. The intentionally laconic wording of the Constitution allowed for an evolving interpretation that could take account of new developments in legal thought. As a result, the general prohibition set out in the Constitution's equality and non-discrimination clauses now covered discrimination on all the specific grounds defined in international instruments to which Latvia was a party, including race, skin colour, ethnicity, language, religion or belief, or membership of a national minority. Those three principles were directly applicable when interpreting all legislative acts and when evaluating the actions of State institutions.

3. A further key principle embodied in the Constitution was the protection of the rights of minorities, in particular their right to preserve and develop their languages and their ethnic and cultural identity. The Constitution's provisions on the promotion and protection of the Latvian language were intended to offset the aggressive ethno-demographic and linguistic policies pursued under the Soviet occupation. Latvia was the only place in the world where the existence and development of the Latvian language and culture could be guaranteed; any reduction of its scope in the national territory posed a threat to the democratic structure of the State. The purpose of the Government's language policy was thus twofold: to preserve the Latvian language and to provide all the necessary means for the integration of national and linguistic minorities into society while ensuring their right to use their native languages.

4. As for the situation of the country's non-citizens, he wished to stress that the individuals in question were not stateless. The United Nations High Commissioner for Refugees had indicated in his 2017 report on global trends that the Convention relating to the Status of Stateless Persons was not applicable to the situation of non-citizens in Latvia. They enjoyed the protection of the State in Latvia and abroad and had the same social and political rights as citizens, with the exception of the right to vote and the ability to work in the civil service or to occupy posts linked to national security. The Government had created all the preconditions for persons with temporary non-citizenship status to acquire Latvian citizenship, and its legislation in that area was regarded as one of the most liberal in Europe.

5. Despite the new challenges being faced in connection with the influx of large numbers of asylum seekers in Europe, military conflict in neighbouring countries and the proliferation of information warfare, the situation with regard to non-discrimination in Latvia had improved in a number of aspects. First, the Government had been working consistently and successfully towards reducing the number of non-citizens, such as by offering free Latvian language courses, conducting regular surveys to ascertain why more non-citizens did not apply for naturalization and, in 2013, amending the Citizenship Law to further simplify the naturalization process and the registration of non-citizens' newborn children as Latvian citizens. The previous five years had seen a steady decrease in the number of non-citizens amounting to 1 percentage point per year, or some 10,000 persons.

6. Secondly, the Government continued to pursue its integration policy with a special focus on socially disadvantaged groups, in particular Roma and young people from minority communities. Under the country's Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012-2018), civil society organizations representing minorities had regularly been involved in the

Government's policy coordination mechanisms and had contributed to the drafting of a new social integration plan. Over 50 projects were under way to support such organizations' participation in Latvian political life, to promote minority cultures and identity and to encourage young people from minority groups to become active in civil society. As a result, more and more members of ethnic minorities had reported that they felt included in Latvian society.

7. Thirdly, the Government had strengthened its efforts to identify, investigate and adjudicate hate crimes and conducted awareness-raising campaigns with multiple stakeholders. The State Police and the Security Police were increasingly using social media platforms to inform the public and to encourage the reporting of crimes, which could now be done online. Training courses had been organized for public prosecutors, police officers and judges. Under a project to strengthen the capacity of non-governmental organizations (NGOs) to combat incitement to hatred on the Internet, NGOs had begun monitoring content and comments posted in online publications and on social media in order to identify and report hateful content and test the efficacy of different reporting methods. The presence of hate speech in political discourse was being closely monitored in the run-up to the October 2018 general election.

8. With regard to the situation of minorities, the Law on Education and the Law on General Education had been amended in April 2018 after extensive consultation with NGOs and national minorities. The reform entailed a review of curricula and teaching methods at all schools in Latvia and an increase in the number of courses taught in Latvian at general secondary schools. The aim was to ensure that all graduates had an equal command of the language and thus equal opportunities for employment and further education. Support would continue, however, for minority education programmes in seven minority languages in primary schools, as well as instruction in minority languages at the secondary level for subjects that pertained to national minority cultures and history, in order to ensure the preservation and development of national minority languages and ethnic and cultural identity.

9. As to the activity of the national human rights institution, the Office of the Ombudsperson had initiated numerous investigations in response to complaints about discrimination. Its budget had been increased, standing in 2017 at 1,375,000 euros.

10. **Ms. Li** (Country Rapporteur), noting that the State party had made several positive changes to its legal framework in response to the Committee's previous recommendations, said that Latvia had clearly stepped up its efforts to meet its obligations under the international human rights instruments, including the Convention. The Committee wished to know, however, how the State party ensured that all laws were interpreted in line with the principle of non-discrimination without an all-encompassing law on the prohibition of racial discrimination. Moreover, it would be useful to know more about the status of the Labour Law in the domestic legal framework, with particular regard to the implications of its definition of racial discrimination for other relevant laws. The State party should also clarify how international treaties acquired legal force in domestic law; it would be useful to know whether they could be applied directly in the national courts or by other judicial or administrative mechanisms. In addition, the Committee would welcome more detailed information on the policy and administrative measures that the State party had taken to combat racial discrimination and promote tolerance and the integration of ethnic groups into Latvian society, including information regarding the funding, scale and results of the strategies and projects devised for that purpose.

11. She noted with satisfaction the establishment of the Office of the Ombudsperson and its accreditation with A status under the Paris Principles. However, reports suggested that the Office's equality and anti-discrimination mandate was a low priority for the Government, inasmuch as no financial or human resources were specifically allocated for the purpose and its legal equality unit had been closed. Indeed, the Office had ceased to publish statistics on discrimination, had not brought any civil or administrative cases of discrimination since 2007 and had abolished the post of Roma affairs adviser, which had been created to promote Roma integration and combat discrimination against that population group. In that connection, many Roma had claimed that they had been refused work on account of their ethnic origin but the Ombudsperson had done nothing to address

their concerns. She would welcome information on that situation and also wished to know whether there were plans to introduce functional immunity for the Office, ensure the security of tenure of the Office's governing body and allocate sufficient funding to enable the Office to carry out its racial discrimination mandate.

12. While noting the positive changes that had occurred in legislation designed to combat and prevent hate crimes, she wondered why the penalty for incitement to hatred online, an offence that had previously been punishable by up to 10 years in prison, had been reduced to a fine and community service. She also wondered what reasons could account for the underreporting of hate crimes by victims to the authorities; whether aggravating factors, such as racial motivation, were being considered in practice by the courts; what measures had been taken to support victims of hate crimes, including through specialized support programmes; and whether the State party had established an action plan with dedicated funding to address online hate speech. In that connection, she was concerned at reports of hate speech being used by politicians and at the fact that an annual march honouring Latvian veterans who had fought with the Nazi forces in the Second World War had been allowed to go ahead, despite widespread criticism; could the delegation provide information as to why such activities were allowed?

13. While welcoming the amendments made to the Citizenship Law in 2013, she had noted that the law was not yet fully compliant with the Convention with regard to preventing statelessness and ensuring the right to nationality. Given that non-citizens did not enjoy full employment and political rights, she wished to know what their legal status and rights were, why the naturalization rate was so low and whether there were any plans to simplify the naturalization process. In addition, children born in Latvia to non-citizen parents still did not receive Latvian citizenship automatically. Placing the responsibility on the parents to apply for the registration of their child as a Latvian citizen created a risk that they might unintentionally help to perpetuate their child's statelessness if they failed to recognize the impact it could have on the child's future. Did the Government intend to amend its legislation to ensure that every child born in Latvia acquired nationality at birth, in line with the 1961 Convention on the Reduction of Statelessness?

14. Regarding persons holding refugee or alternative status under Latvian law, she would appreciate information on the State party's strategy for integrating individuals benefiting from international protection and the funding that had been allocated for that purpose. In addition, she wondered what measures the State party was taking to ensure that those persons enjoyed similar rights and entitlements, had an adequate standard of living and support, and were able to integrate into society and become naturalized citizens. Information on how the State party was tackling the reportedly widespread xenophobia, intolerance and negative attitudes towards immigrants, refugees and asylum seekers should also be provided.

15. Lastly, she would welcome information on specific measures taken by the State party to develop and provide funding for education in minority languages and to implement the recommendations of the Human Rights Committee, which had expressed concern to Latvia in its concluding observations (CCPR/C/LVA/CO/3) at the gradual decrease of measures in support of the teaching of minority languages and cultures in minority schools. As the recent amendments to legislation on education had further reduced minority language education at the primary, secondary and tertiary levels, she would appreciate details concerning consultations held with minority groups in that process and in the process of amending the State Language Law.

16. **Mr. Cali Tzay** said that, although the Latvian Constitution of 1922 had been amended to include a chapter on human rights, he was concerned that a specific and comprehensive definition of racial discrimination was still lacking. Indeed, among the many anti-discrimination laws in force in the State party, it was difficult to find a consistent definition of that form of discrimination.

17. He would welcome examples of any civil or labour law cases involving racial discrimination. In particular, he wished to know which institution was responsible for dealing with such cases, how many cases had been prosecuted and what their outcomes had been, including whether any sanctions had been imposed.

18. National human rights institutions accredited with A status under the Paris Principles were entitled to make a statement to the Committee. It was therefore regrettable that no representative of the Office of the Ombudsperson was present for the dialogue. He would be interested to know whether the Ombudsperson was authorized to handle complaints of racial discrimination and with whom the burden of proof lay in cases concerning racial discrimination. Lastly, he would welcome information on the proportion of the prison population that came from a minority background.

19. **Ms. Dah** said that she, too, found it regrettable that the Office of the Ombudsperson was not present, since the Committee attached great importance to the participation of such institutions in its dialogues. She would be interested to hear about the process that was in place for amending the Constitution and wondered whether there were any plans to incorporate a general definition of discrimination and a specific definition of racial discrimination.

20. She noted that the State party had placed a priority on Latvian language skills as a prerequisite for nationality and citizenship; had allowed foreigners, minorities and non-citizens to be naturalized only under certain conditions; and had removed support for minority languages in secondary schools. She therefore had the impression that the State party's overriding policy was one of assimilation rather than integration.

21. **Mr. Murillo Martínez**, observing that hate speech and extremism were on the rise around the world and were being increasingly used by politicians to incite hatred, instil fear and gain political power, said that he wished to know what the Government was doing at the national and regional levels to combat hate speech, incitement to hatred and extremism in the run-up to the country's parliamentary elections. In the light of the Committee's general recommendation No. 35 on combating racist hate speech, he would also like to know how the State party reconciled the right to freedom of expression with the need to combat extremism. Lastly, he wondered whether the delegation could provide statistics on racial discrimination cases in which the burden of proof had been reversed.

22. **Mr. Avtonomov** said that it would be helpful if the delegation could explain the rationale behind the decision to amend the Civil Procedure Law to do away with the State's obligation to provide interpreters in civil court proceedings for persons who did not speak Latvian. Furthermore, the broad scope of article 6 of the State Language Law, which provided that private institutions, organizations, companies and self-employed persons must use the State language if their activities affected the lawful interests of the public, could prevent members of minority groups from gaining employment in several fields. He asked whether there was an exhaustive list of occupations where using the Latvian language was a requirement. Despite the State party's efforts to increase the participation of Roma in the labour market, the employment rate of that group was still well below the national average. It would be useful if the delegation could shed light on the reasons for that discrepancy.

23. He would also welcome information on the proposed amendments to the Law on Education, which, if adopted, would do away with minority language teaching in public and private secondary schools and cut back minority language teaching at the basic education level, and on the related appeal pending before the Constitutional Court. In addition, he would be interested to know why the State party had failed to act upon the Ombudsperson's recommendation that the language and culture of national minority groups, including Roma, should be taught alongside the general curriculum in mainstream schools and not separately in segregated schools. The delegation should also describe the current situation with respect to segregation in Latvian schools.

24. Given that the ethnic Latvian population had been declining steadily since 1991, he would like to know what the reasons for that demographic change might be. He would also like to hear about the impact of the Action Plan for the Implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018). The delegation might also describe the measures taken by the State party to ensure the survival of the Livs, the only other indigenous people of Latvia, who were very few in number. Lastly, he asked how the State party planned to promote and commemorate the International Decade for People of African Descent.

25. **Mr. Bossuyt** said that it was important to take the history of Latvia into account when examining issues relating to language and citizenship. The impact of three consecutive periods of foreign occupation on the State party's demography, national identity and status of its language could not be overstated. He asked whether persons born in Latvia to non-citizens were also considered non-citizens and, if so, was it not overly complicated for them to acquire citizenship only much later on in life, once they were able to demonstrate the requisite language skills? He also wished to know whether the requirements laid down in the new regulations on dual citizenship differed depending on the other State concerned and its acceptance of dual citizenship. It would be useful to hear more about the circumstances under which Latvian non-citizens had lost their original citizenship; had that been imposed on them or had it been voluntary?

26. The delegation might also indicate how broadly article 6 of the State Language Law was interpreted in practice and provide information on the enforcement of the requirement laid down in article 10 of that Law for documents drafted in a language other than Latvian to be translated and certified by a notary. The fact that 50 per cent of students had passed the Latvian language and literature examinations set as part of educational programmes for national minority groups gave cause for concern, as it could be inferred from that result that almost half of students belonging to those groups did not have a sufficient command of the national language. He would be grateful if the delegation could explain the organization of instruction in bilingual schools; were some courses taught in Latvian and others in a minority language? Lastly, noting that Israel was one of the countries supporting minority schools but that there were no schools that taught in Hebrew, he wondered what that support consisted of.

27. He would also appreciate clarification on the minimum number of persons required to establish a trade union under the Law on Trade Unions.

28. **Ms. Mohamed** asked whether a foreign national who did not have a command of the Latvian language but who met the other requirements could apply for Latvian citizenship. According to the State party's report, steps had been taken to enable every politically active inhabitant of Latvia to acquire Latvian citizenship. The delegation should clarify the meaning of "politically active" and indicate whether inhabitants who were not politically active were still eligible to apply for Latvian citizenship. She also wished to know whether private schools provided instruction in minority languages and whether the State party's gender equality policies had led to a greater gender balance in appointments to political institutions such as the national parliament and municipal councils.

29. **Mr. Diaby** said that the almost total absence of Latvian NGOs in the run-up to and during the consideration of the State party's report seemed to run counter to the State party's affirmation that it protected freedom of association and freedom of assembly. It was also regrettable that the meeting scheduled between the Committee and the Ombudsperson had not taken place, as a valuable opportunity had been missed to hear about the racial discrimination encountered by certain population groups in Latvia.

30. Noting that, in 2014, the Constitution had been amended to refer to Latvia as a nation and not a State, he asked why those amendments had been introduced, given that the nationalist feeling that such language might arouse could have the effect of alienating certain minority groups. He was also concerned about the discriminatory nature of a number of international and bilateral agreements concluded by the State party, including its visa regime, which allowed Latvian citizens to travel to over 90 countries without a visa, whereas Latvian non-citizens could only travel to fewer than 40 countries visa-free. He would be grateful if the delegation could explain the reasons behind that differential treatment.

31. He noted with satisfaction that the State party had ratified the Convention on the Reduction of Statelessness and had made efforts to reduce the number of non-citizens in its national territory. Although the State party maintained that non-citizens were not in fact stateless, the risk of those persons becoming stateless nonetheless remained high. He asked whether the State party intended to take further steps towards eliminating that risk by helping those persons become full citizens.

The meeting was suspended at 4.50 p.m. and resumed at 5.05 p.m.

32. **Mr. Calī Tzay** asked what practical measures the State party was taking to facilitate the acquisition of Latvian citizenship by non-citizens, including through naturalization, and to ensure that they could exercise their legal rights on an equal footing with Latvian citizens. It would also be helpful to know whether Latvian non-citizens had the status of permanent residents, whether they tended to hold the citizenship of another country and whether they were represented in the national parliament or on the staff of the Ombudsperson's Office. He also wished to know in what circumstances dual citizenship for Latvian non-citizens might be authorized or denied and whether it was legally possible for children born in Latvia to non-citizens to be automatically registered as Latvian citizens.

33. Given that almost 40 per cent of the population was Russian-speaking, he would be interested to know why schooling in Russian was not readily accessible. He asked whether instruction was available only in Latvian in secondary schools and whether the State party collected statistics disaggregated by mother tongue on the number of students who dropped out of school. He would also appreciate more information on the sanctions imposed on persons who did not have a sufficient command of the Latvian language in the workplace; had the State party considered introducing secondary working languages to remedy that problem? Were students taught about the various periods of foreign occupation of Latvia as part of the national history curriculum?

34. **Ms. Izsák-Ndiaye** said that she would welcome clarification of the situation with regard to religious holidays. As not all holidays observed by minority communities were recognized as national holidays, she wondered whether the Government had any plans to grant those communities' requests in that regard.

35. She would like to know whether there were any constraints on the use of patronymics and topographical names by minority communities.

36. She would be interested to know how the State party had conducted the consultations on the proposed amendments to the State Language Law. What had been done to ensure that the proposals were understood and accepted and to avoid tension arising between different communities? She wondered whether the outcome reflected the desires of the affected communities.

37. She had been disturbed to learn, from the prison administration's data for 2016, that the ratio of Russian-minority prisoners to ethnic Latvian inmates was 2 to 1, while for Roma the proportion was 10 to 1. She would be interested to know what policies were in place to prevent discrimination in the criminal justice system. She would appreciate receiving more up-to-date figures from the delegation.

38. **Mr. Pildegovičs** (Latvia) said that, as of January 2018, there were 233,000 non-citizens, representing 11 per cent of the population; that was down from 30 per cent in the early 1990s. The basic principle governing the question of citizenship and the issue of non-citizens was that of individual freedom of choice. All non-citizens were permanent residents of Latvia, all had virtually the same rights and freedoms as citizens and, in particular, all were free to choose to become citizens. However, in part owing to the historical context of occupation of the country, the State's position was clear: no one would be compelled to acquire Latvian citizenship.

39. One reason for the slow rate of naturalization was that older non-citizens saw no need to change their status, not least because many of them enjoyed visa-free travel to visit their families and business contacts in countries to the east; maintenance of pensions and other social benefits was another reason.

40. The Government nevertheless tried to encourage people to choose naturalization. The procedure had been simplified and the fees reduced, or indeed waived altogether for certain categories of applicants. There was no language test if the applicant had learned Latvian at school, and the pass rate for those who were obliged to take the test was 85 per cent; for the history and culture test, the pass rate was 94 per cent.

41. The Office of Citizenship and Migration Affairs organized regular campaigns around the country targeting specific groups, notably non-citizen parents of eligible children and secondary school graduates. Ample information was available on government

websites, including samples of the relevant tests. Surveys on attitudes towards naturalization were conducted every two years.

42. The commemoration event that had taken place on 16 March 2017 had to be viewed in the country's historical context. Both the occupying Powers — the Soviet Union and the German Nazi regime — had drafted Latvians into their armed forces. Latvia had lost more than one third of its population during the Second World War. The event on 16 March had not been an official act of remembrance and had not been attended by senior State officials. The official remembrance day was 11 November. The courts had ruled that freedom of assembly could not be restricted on such occasions; the State's role was to ensure that there was no breach of the peace. Such events were not related to hate crimes or the propagation of Nazi ideology.

43. **Ms. Līce** (Latvia) said that the overarching legal framework for non-discrimination was the Constitution, which included a general prohibition of discrimination and made reference to international agreements entered into by Latvia. The Constitution was sufficiently dynamic and flexible for the courts to be able to rely on it when interpreting the law and determining whether official actions were in line with relevant international instruments and with developments in international law and doctrine.

44. **Mr. Kārklis** (Latvia) said that Latvian non-citizens were not considered stateless persons. In 2003, Latvia had negotiated with the Office of the United Nations High Commissioner for Refugees for a footnote to be included in the Office's annual report on global trends to make the distinction clear. The footnote had been removed in the 2008 report without consultation with Latvia but had been reinstated in 2015.

45. As to the question of acquisition of nationality at birth, a newborn's parents, whether citizens or non-citizens, were asked to check a box on the birth registration form to state whether they wished the child to be a Latvian citizen or not. The question of opting in to citizenship or opting out had been the subject of considerable debate but, in line with the policy of freedom of choice of citizenship, the parliament had preferred a procedure for opting in.

46. **Mr. Pildegovičs** (Latvia) said that the status of non-citizen had originated with the dissolution of the Soviet Union, when any Latvian residents who so wished had been able to choose citizenship of a former Soviet republic. However, they were still residents of Latvia and thus still entitled to take Latvian citizenship if they so desired.

47. All aspects of the history of Latvia, including the various periods of occupation, the Second World War, the Holocaust and the persecution of Roma, for example, were taught as part of the school curriculum. It was important to transmit such knowledge to the younger generations.

48. About 99.9 per cent of newborns received Latvian nationality. The number of those whose parents opted out of citizenship was very small, around 50. It was nevertheless important that the parents were able to exercise their freedom of choice.

The meeting rose at 5.50 p.m.

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15 August 2018

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Committee on the Elimination of Racial Discrimination
Ninety-sixth session

Summary record of the 2651st meeting

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Chair: Mr. Murillo Martínez (Vice-Chair)

later: Mr. Amir (Chair)

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In the absence of Mr. Amir, Mr. Murillo Martinez (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)

Combined sixth to twelfth periodic reports of Latvia (continued) (CERD/C/LVA/6-12; CERD/C/LVA/Q/6-12)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Ms. Ozola** (Latvia) said that articles on hate crime and discrimination in Latvian legislation had been amended in 2014. International law, such as the Convention, the Universal Declaration of Human Rights and relevant European Union legislation, had been taken into consideration when drafting the amendments. The reform of the Criminal Law in 2013 had modified the sanctions for criminal offences under article 78 in order to apply more widely the use of alternative sanctions for non-violent crimes. Nonetheless, violent crimes and the threat of violent crimes were still severely punished pursuant to article 78 of the Criminal Law. The Criminal Procedure Law had also been amended by introducing the concept of specially protected victims in article 96. Persons who had suffered discrimination on the grounds of race or ethnicity were considered specially protected victims. A website and hotline had been set up by the Government to offer psychological support to such individuals.

3. In 2017, a total of 3,996 persons were in prison in Latvia, of whom 2,953 were Latvian citizens, 942 were non-citizens and 101 were foreign nationals. Among the Latvian citizens, 134 were of Roma ethnicity, 664 of Russian ethnicity and 1,548 of Latvian ethnicity. With regard to anti-discrimination safeguards in criminal proceedings, the Constitution and the Criminal Procedure Law both forbade all forms of discrimination; the Sentence Execution Code also prohibited discrimination against persons who had been convicted of a crime. Any person who had been subjected to discrimination at any point during criminal proceedings or detention was entitled to bring a case before the Constitutional Court or the European Court of Human Rights. Statistics on the number of cases brought before the court of first instance pursuant to article 78 of the Criminal Law between 2008 and 2016 were available in the annex to the State party's report.

4. Concerning the burden of proof in criminal proceedings, in accordance with article 19 of the Criminal Procedure Law, all persons were presumed innocent until such time as guilt was proven beyond a reasonable doubt. Efforts were being made to improve awareness of discrimination in the judiciary. For example, national training courses were offered in judicial training centres, in addition to courses organized by the Academy of European Law on the topic of anti-discrimination, equality, tolerance and hate crime.

5. *Mr. Amir took the Chair.*

6. **Mr. Zakis** (Latvia) said that, in the light of the 2014 report on the legal framework of liability for inciting national or ethnic hatred, calling for an end to independence, undermining territorial integrity or desecrating national symbols, the Government had concluded that law enforcement agencies needed to provide their officers with further training on recognizing hate speech. In 2016, the Government had considered another report on proposals to prevent the dissemination of materials fostering hatred and violence in the public domain, including on the Internet. The report contained information on preventive measures, safeguards and the investigation and punishment of such offences. In 2016, the Security Police had participated in drafting amendments to the Law on Associations and Foundations in order to improve the legal framework prohibiting the activities of associations that threatened national security. Such activities included the preaching of violence and national or racial hatred.

7. In 2017, a degree programme on human rights and combating delinquency had been introduced at a university in Riga. The State Police College also offered informal training programmes on a number of subjects, including the protection of human rights in the course of police work, police in a multinational society, victim support, identification and

investigation of hate crimes and ways of combating radicalization, among others. The Safer Internet Centre offered information on how people could report breaches of human rights via a specially designed hotline and had also produced a social network safety guide. In 2017, the Centre for Human Rights had held 10 training seminars for young people and 1 seminar for teachers on combating intolerance and hate speech. The seminars had been organized as part of the project "Say NO to hate speech". In 2015, the Centre had held a seminar in cooperation with the State Police College on hate-motivated speech in which a number of non-governmental organizations (NGOs) and academic institutions from different countries had participated. The State Police College, together with the Mozaika Association of LGBT and Their Friends, had organized a training session on hate crime and, in 2017, a set of guidelines on the investigation of hate crime, developed by the State Police and Security Police, had been adopted. Within the next two years, the State Police and the Office of the Prosecutor General aimed to produce further guidelines on the investigation of such crimes.

8. **Mr. Gūte** (Latvia) said that refugees were protected under the Asylum Law. They were also protected by the Office of the Ombudsperson, which had identified asylum seekers as a priority target group, and by a number of national foundations that were working to defend the rights of asylum seekers.

9. The amendments to the Civil Procedure Law did not prevent interpretation services from being provided in court proceedings when needed. Those provisions were aimed at preventing large corporations from using public funds to access interpretation services even though they could afford to pay for them. Pursuant to the Civil Procedure Law, anyone was able to request free interpretation services, but it was at the discretion of the judge whether or not to grant the request. The State had an obligation to provide interpretation services in civil proceedings for persons receiving State-funded legal aid. Although, by law, documents in a foreign language could only be presented before a court if a translation into the State language had been certified by a notary, not every case required the authorization of a notary; in certain instances, the translation could be certified by another person's signature.

10. **Ms. Rancāne-Delekolē** (Latvia) said that measures to combat racial discrimination were included in national diversity promotion policies. The Ministry of Culture offered financial support for awareness-raising among target social groups, which included Roma. Activities were also being undertaken at the European level through the Council of Europe campaign entitled "Dosta! Go beyond prejudice, meet the Roma!" The Roma Cultural Centre organized events for International Roma Day which promoted the art and history of the Roma people. The Centre for Human Rights worked to promote a positive image of Roma in the media by highlighting individual success stories and also offered advocacy support to Roma who had been victims of discrimination and violence. The Latvian Roma Platform III Project had been adopted by the Government and would continue to implement measures to combat anti-Roma attitudes and to foster intercultural dialogue. The European Social Fund, in cooperation with the Society Integration Foundation, had developed a large-scale project to promote diversity in Latvia that was to be implemented from 2016 to 2022 with a budget of €6 million. The Roma population had been identified as one of the target groups of the project. The final assessment of the action plan for the implementation of the Guidelines on National Identity, Civil Society and Integration Policy (2012–2018) was scheduled to take place in 2019. The first assessment of results and indicators had taken place in 2015. The Ministry of Culture continued to work to improve the system for monitoring the implementation of the Policy and develop innovative approaches for future policymaking efforts.

11. **Ms. Arkle** (Latvia) said that two different education programmes were available in Latvia, one of which was taught in the State language and the other in both the State and minority languages. The State financed teaching in primary and secondary schools in seven different minority languages and gave students as much opportunity as possible to choose education programmes in their preferred language. The first minority schools in Latvia had been the Polish, Ukrainian and Jewish schools that had been opened in 1989 in Riga. In 1995, common education standards, including a common system of examination, had been introduced for pupils in grades three, six and nine. Bilingual education programmes in

primary schools had been offered since 1998, and the State had drawn up five bilingual curriculum models for primary schools. In 2004, a system had been established whereby secondary schools had to teach 60 per cent of their subjects in Latvian, while 40 per cent could be taught in a minority language. As of 2017, there were approximately 49,000 students — 27 per cent of the total — enrolled in national minority education programmes; 4,931 teachers worked in minority schools; and Latvian was the language of instruction in 20,759 schools. At the preschool level, 458 early childhood education institutions used Latvian as a language of instruction, 117 had both Latvian and minority language programmes, while 65 used Russian and 1 used Polish as the language of instruction.

12. In 2018, Latvia had introduced some important changes in its education system that would allow it to gradually move towards competency-based learning in preschool, basic and secondary education. The Government had issued new regulations on the language of instruction so that, from the first to sixth grades, not less than 30 per cent of the subjects would be taught in Latvian, while from the seventh to ninth grades, not less than 80 per cent of the subjects would be taught in Latvian. As from 2022, all general subjects in secondary education would be taught in Latvian, although students from national minorities would still have the opportunity to study their minority language, literature and culture, and historical subjects in their mother tongue.

13. The Government planned to invest €3 million to help teachers improve their knowledge of Latvian, while the Latvian Language Agency provided support for the education of national minorities in Latvian. The Ministry of Education and Science had taken steps to improve the collection of data and monitoring with regard to the educational situation of Roma children. The country's 900 Roma pupils attended mainstream education institutions and were not placed in separate classes.

14. As of 1 January 2019, universities would not be able to admit new students to programmes taught in Russian, although students already enrolled in such programmes would be able to complete their studies. Most universities planned to offer programmes in a number of the other official languages of the European Union besides Latvian. The Ministry of Education and Science constantly monitored the quality of education, and statistics showed that examination results in minority schools were the same as or better than those obtained in previous years. The Latvian education system had become an important force in the process of social integration.

15. **Ms. Tāre** (Latvia) said that the State Labour Inspectorate, which came under the supervision of the Ministry of Welfare, had responsibility for monitoring employment relations and health and safety at work and had the power to impose administrative fines of up to €14,000. In 2017, it had received 3,464 complaints of alleged violations of labour law and health and safety at work regulations, many of which referred to the termination of employment contracts. The Inspectorate had upheld most of the complaints, issuing 4,556 orders to employers and, in 686 cases, administrative fines. In 2017, the Inspectorate had received 31 complaints of violations of anti-discrimination laws. It had confirmed the information received in eight cases and had issued one administrative punishment and five reprimands. The violations had related to vacancy advertisements based on gender and age, requests for candidates to provide information about family or property status and the failure to provide equal pay for equal work. No cases of racial discrimination had been detected in recent years. Regarding the application of article 29 of the Labour Law, described in paragraph 153 of the report, the courts had discretion to decide the amount of compensation for damages incurred as a result of direct or indirect discrimination. According to judicial statistics, between 2008 and 2017, 527 claims had been filed on the basis of article 29, while 221 claims had cited article 91 of the Constitution.

16. In all, 79.8 per cent of men and 74.3 per cent of women aged 15–64 years had been economically active in 2017. The percentage of economically active women had risen by 4 per cent during the previous 10 years. According to November 2017 data from the European Institute for Gender Equality, women's representation in the parliament stood at 17 per cent, while in government services it was 21.4 per cent and in regional assemblies 23.6 per cent. Women accounted for 28.8 per cent of board members of the largest listed companies. Latvia also had the highest proportion of women in science of all European Union countries, at 52 per cent. In 2016, 76 per cent of civil servants were women.

17. **Ms. Līce** said that the aim of the State Language Law was to preserve and develop the Latvian language and to provide a tool for the integration of national and linguistic minorities, while ensuring their right to use their native language. As a rule, communications with public institutions had to be in Latvian, although there were several exceptions. For instance, public institutions might provide information in languages other than Latvian if it dealt with public awareness, public safety or emergency situations. Information about the rights and obligations of persons in places of imprisonment and information for asylum seekers had been translated into other languages. Another exception was that public institutions might respond in a foreign language to requests by private, natural or legal persons in response to their specific needs; for example, embassies might issue documents in the language of the country where they were located. The police, medical institutions and the emergency services all accepted requests in languages other than Latvian — usually English, German or Russian.

18. In respect of language use in the workplace, the State Language Law stipulated that employees in private companies and self-employed persons must use Latvian in dealing with the public. Employees who interacted with customers were therefore obliged to have a certain level of proficiency in Latvian but were not expected to be perfectly fluent. Those provisions did not apply to unofficial or internal communications, to communications within ethnic or national groups, or to religious activities. In short, the law simply required that workers dealing with the public were able to respond in Latvian to questions related to the performance of their functions.

19. The State Language Law also established that persons' names appearing on State-issued identity documents must be transcribed into Latvian. If the person so wished, the original form might also be entered on the identity document next to the name in Latvian. The transliteration of foreign names into the Latin alphabet was done in accordance with the rules of the International Civil Aviation Organization.

20. **Mr. Pildegovičs** (Latvia), responding to questions about the contribution of Latvia to the International Decade for People of African Descent, said that, since 2004, Latvia had celebrated Africa Day each year on 25 May. On that occasion, which was becoming a tradition, African cultural heritage events and other initiatives were organized with the support of NGOs and civic groups and with the participation of high-level visitors from African countries.

21. **Mr. Kārklīņš** (Latvia) said that the questions asked by the Committee members about the Office of the Ombudsperson had been conveyed to that Office and that, in response, the Ombudsperson had sent a letter to the secretariat of the Committee.

22. **Mr. Arraya** (Acting Secretary of the Committee), reading from the letter, said that the Office of the Ombudsperson participated in the work of the Human Rights Council and other mechanisms of the United Nations. While the Office was responsive to national and international stakeholders, it was also independent and had the right to take decisions on whether to participate in any given meeting. The Office confirmed the observation that to a certain extent it prioritized children's rights and the social and economic rights of the inhabitants of Latvia, considering that children and the poor were vulnerable groups who required special support from the State.

23. Funding of the Office had diminished significantly during the financial crisis of 2009–2010 and had not yet returned to its pre-crisis level. In 2016, additional funding had been allocated for urgent measures, including the monitoring of forced returns, and for strengthening the capacity of the Office.

24. The Office had three divisions that worked on non-discrimination and equal treatment issues. In June 2018, the Ombudsperson had won a discrimination case in the Constitutional Court in which a local municipality had set a higher tax rate for citizens of the European Union than for Latvian citizens. Under the Constitution, there were 16 discrimination criteria in Latvia, to which the Ombudsperson attached equal importance. However, as persons with disabilities and the parents of young children were very active in Latvia, in practice the Office paid more attention to protecting the rights of persons with disabilities and children.

25. While it had been noted that the Office had not brought any cases before the civil and administrative courts since 2007, the Ombudsperson wished to point out that, as an independent institution, it was not under any obligation to do so. In fact, the Office pursued other methods to uphold people's rights, including mediation, which was preferable to time-consuming court proceedings. The Office also brought cases before the Constitutional Court, which had initiated 25 cases and had passed judgment on 20 cases on the basis of the Ombudsperson's submissions. In addition, it had requested the Ombudsperson's opinion in 181 cases.

26. In 2016, for instance, the Office had conducted a study on hate crimes and hate speech in the course of which it had identified an anonymous comment on the Internet that constituted incitement to violence against refugees and asylum seekers; it had referred that case to the Office of the Prosecutor General. At its annual conference, the Office of the Ombudsperson had hosted a discussion on promoting tolerance in society and recognizing hate speech and hate crimes, which had raised awareness of the topic and led to an increase in the number of complaints that had been filed. Lastly, since 2011, the Office had worked closely with the Roma community and had signed a cooperation memorandum with the International Romani Union for the prevention of discrimination against Roma. It had also met on several occasions with Roma communities in different regions to help address the issue of Roma not having information on their rights.

27. **Mr. Kārkliņš** (Latvia) said that he hoped that the Committee members would take into account the information provided by the Ombudsperson when drafting their final observations.

The meeting was suspended at 11.20 a.m. and resumed at 11.40 a.m.

28. **Mr. Albuquerque e Silva** said that he would appreciate a comment from the delegation on reports that a Latvian political party, the Latvian Social Democratic Workers' Party, had shared a Nazi image on social media. He wondered whether the Ombudsperson had taken action in that connection. He would like to know whether the sharing of such an image might have an effect on the electoral process, especially with regard to migration issues. What was the Government's stance on that matter?

29. **Ms. Mohamed**, thanking the delegation for their detailed replies, said that she nevertheless found it necessary to repeat her earlier question regarding the acquisition of citizenship. She would like to know whether people had a right to citizenship only if they were politically active.

30. **Ms. Li** said that she would welcome more information regarding the representation of minorities in public bodies. Given that non-citizens did not have voting rights, she wondered whether they had the right to be consulted on political matters that concerned them. In the light of reports that the provisions of the Asylum Law were not sufficient to ensure that detention was used only as a last resort and for the shortest time possible, she would like to hear the delegation's comments on that issue. Were any minors who were seeking asylum being held in detention in the country?

The meeting was suspended at 11.50 a.m. and resumed at noon.

31. **Mr. Pildegovičs** (Latvia) said that the Government condemned the social media post in question, just as it condemned all hate speech and hate crimes. The police had responded rapidly by opening a criminal case. The political party involved had distanced itself from the image, claiming that it represented the view of an individual member, who would be expelled from the party. In the lead-up to the 2018 general election, the Government had established centres of excellence to educate journalists about hate speech and the need to be especially vigilant regarding bigotry in political campaigns.

32. Non-citizens enjoyed similar rights to citizens; they could join political parties and non-governmental organizations. However, non-citizens did not have the right to vote or hold political office. The Government considered the right to full political participation to be one of the incentives for acquiring full citizenship. A constant dialogue was maintained with NGOs that represented non-citizens on subjects including education, cultural heritage, religious affairs and human rights. The President, the Minister of Culture and the Minister of Education and Science all engaged in regular dialogue with the national advisory

councils on minority issues. An advisory council for dialogue with third-country nationals and working groups to address Roma issues also existed.

33. **Mr. Kārkliņš** (Latvia), responding to a question from Ms. Mohamed, said that political activism was not a prerequisite for the acquisition of citizenship. All non-citizens, regardless of whether they were politically active, were required to follow a naturalization procedure in order to acquire citizenship.

34. **Mr. Pildegovičs** (Latvia) said that more detailed statistics regarding the representation of minorities in public bodies would be provided in writing.

35. **Mr. Zaķis** (Latvia) said that Latvian officials had taken part in Council of Europe activities devoted to an analysis of the legal and practical aspects of effective alternatives to detention in the context of migration. The institutions involved in the asylum process took measures to ensure that the rights of asylum seekers were respected. However, asylum seekers might be detained if their identity, nationality or the facts contained in their application needed to be verified. Other possible reasons for their detention could include: a decision needed to be made regarding whether they had the right to enter Latvia; State authorities had reason to believe that they represented a threat to national security or public order; it was suspected that they had submitted an application to hamper a removal order; or the necessity of a transfer under article 28 of the Dublin III Regulation needed to be ascertained. The fact that detention was used only as a last resort was reflected in recent national statistics: in 2016, 25 per cent of all asylum seekers had been placed in detention and, in 2017, only 15 per cent had been detained. A very small number of children were detained in appropriate facilities where they had access to education and recreational activities.

36. **Mr. Avtonomov** said that, considering that non-citizens faced restrictions in accessing some professions and their pensions were subject to different regulations, and yet the rate of citizenship acquisition was very low, he wondered whether the Government was reconsidering its policies with respect to non-citizens and citizenship acquisition, particularly for individuals who had not acquired another nationality. Lastly, he wondered whether a new approach was required to address issues of discrimination in the post-Soviet era.

37. **Mr. Diaby** said that he would appreciate further information on the amendments to the Constitution that had been enacted in 2014, particularly the changes made to the preamble. Paragraphs 65 to 71 of the State party report, which addressed freedom of association, made very little reference to the formation of associations by non-citizens. He therefore wondered whether non-citizens had participated in the drafting of the report. As Latvia was a party to a long list of bilateral agreements, he would welcome information on any provisions within them that could be seen as discriminatory, for instance with regard to visas. It was unclear what protection was offered to residents in the State party who were recognized neither as citizens of Latvia nor as citizens of another country. As Latvia had ratified the Convention on the Reduction of Statelessness, he saw an opportunity for the State party to take action to remedy the situation with regard to residents who might be stateless.

38. Although the Office of the Ombudsperson had a very broad mandate, the Committee had heard that it had rarely been involved in cases regarding discrimination, specifically racial discrimination. He would welcome information on why that was the case. In particular, he would like to know whether associations that represented non-citizens ever petitioned the Office and, if so, whether their complaints had been followed up on. He would be interested to receive information on whether minorities, in particular those which were relatively larger in number, could use minority languages when communicating with local authorities.

39. **Mr. Murillo Martínez** said that he would be interested to hear more about how the Government perceived its role in tackling the complex and widespread issue of hate speech, not just nationally, but also regionally and as a member of the European Union. Welcoming the information that the State party had made significant efforts to foster the critical analysis of issues pertaining to racial discrimination through education and training, he

would be interested in seeing detailed statistics that showed which sectors of the population, in particular, had benefited from such training.

40. The State party was to be commended on its observance of 25 May as a day to recognize the contribution of persons of African descent, including students. He would welcome the further engagement of Latvia in the International Decade for People of African Descent.

41. **Mr. Pildegovičs** (Latvia) said that Latvia was a very strong voice against hate speech in the European Union. In the current era of information warfare and hybrid threats, Latvia had co-sponsored the creation of a special strategic communications unit within the European External Action Service to combat hate speech and incitement to radicalization in the digital realm. The Government also worked in close cooperation with the Eastern Partnership countries of Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, as well as countries of Central Asia, to help them in tackling the same issues.

42. Although Latvia had come a long way since the days of the Soviet Union and currently had more than 60 agreements in place with the Russian Federation, including a border settlement, some of the issues discussed during the dialogue with the Committee were a legacy of the circumstances that had prevailed during and in the decades after the Second World War. For example, a considerable proportion of non-citizens in Latvia were former members of the Red Army. Although the Government wished that all the people of Latvia should flourish and prosper, it did not believe that citizenship should be imposed, and it therefore respected the decision of some residents not to seek Latvian citizenship. Non-citizens could, for instance, travel visa-free to the Russian Federation, and many regularly benefited from that privilege. Regarding bilateral agreements, Latvia had raised the issue of restricted travel opportunities for non-citizens with the States concerned, but it did not have the power to impose any foreign policy decisions on those States. Nevertheless, non-citizens were accorded the same treatment as citizens of Latvia when it came to receiving consular support.

43. **Ms. Līce** (Latvia) said that the 2014 amendments to the Constitution had not altered its substantive provisions. The portion of the preamble that had been added stated that Latvia was a democratic State that respected ethnic minorities and that the sovereign power of the State lay with the people of Latvia, without distinction based on nationality or ethnicity.

44. **Mr. Kārklīš** (Latvia) said that there were 178 stateless persons in Latvia, and a specific programme and legal process had been created to help them to acquire citizenship of Latvia or of another country if they so wished. Latvia played an active role in the efforts and campaigns of the Office of the United Nations High Commissioner for Human Rights to reduce statelessness and encourage other States to become parties to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

45. **Ms. Li**, thanking the delegation for the many answers supplied, said that the dialogue had been both candid and constructive.

46. **Mr. Pildegovičs** (Latvia) said that the dialogue had been a stimulating exchange. Supplementary statistics and information would be submitted to the Committee the following week.

47. **The Chair** said that the Committee greatly appreciated the delegation's willingness to engage with its questions. The Committee would continue to maintain a constructive relationship with the State party in relation to all issues pertaining to the elimination of racial discrimination.

The meeting rose at 12.55 p.m.